

Josh Bernstein, P.C.

Civil Rights & Employment Law

Josh Bernstein, P.C.
116 West 23rd Street, 5th Fl.
New York, NY 10011

(212) 537-9412
(Phone & Fax)
jbernstein@jbernsteinpc.com

Susan J. Baldwin v. Goddard Riverside Community Center (11 CIV 7591)
RE: Request for Extension of Deadline for Fact Discovery

September 10, 2012

The Honorable Paul G. Gardephe
United States District Court, Southern District of New York
500 Pearl Street, Room 920
New York, NY 10007

Judge Gardephe,

I represent Plaintiff Susan Baldwin in the above-captioned matter and write with Defendant's consent to request an extension of the current discovery deadline from September 14, 2012, to October 5, 2012, along with the dates for the scheduled status conference (currently set for September 20, 2012), and a concurrent extension of the deadline by which the parties must write to your Honor concerning any post-discovery dispositive motion practice (currently set for October 16, 2012). This would constitute a three-week extension, with the proposed status conference date of October 11, 2012, and the proposed dispositive motion practice letter deadline of November 6, 2012.

This is the second request for an extension to the discovery deadline in this matter. As your Honor may recall, there is a dispute in this case concerning a number of privileged documents withheld by Defendant, which your Honor referred for resolution to M.J. Pitman approximately one month ago. I have been in contact with M.J. Pitman's deputy in charge of scheduling, who has informed me that M.J. Pitman will not be able to make a ruling on whether and which withheld documents will be produced until after the current discovery deadline has elapsed. Moreover, one of Defendant's (now-former) employees, Salvatore Uy, is not available to be deposed until after the discovery deadline, and the parties have had to cancel the deposition of Defendant's Executive Director, Stephan Russo, which was scheduled for September 13, 2012, because Mr. Russo has had something come up which would have narrowly limited his availability on that date. Both Mr. Russo and Mr. Uy are available on October 2, 2012, which the parties have agreed to hold such depositions pending your Honor's extension of the discovery deadline. Plaintiff's deposition was held this past Friday, September 7, 2012, and counsel for Plaintiff will be deposing two of Defendant's witnesses this Wednesday, September 12, 2012. Discovery has otherwise proceeded smoothly and the parties believe they will be able to wrap-up affairs by October 5, 2012. I appreciate your Honor's attention to this matter.

MEMO ENDORSED

The Application is granted.

SO ORDERED:

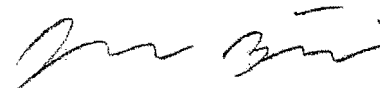
Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: *Sept. 12, 2012*

The Conference is adjourned to October 11, 2012 at 12:30p.m.

USDC SDNY
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DATE FILED: *9/13/12*

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Josh Bernstein", written in a cursive style.

Joshua Alexander Bernstein

cc: Michael Tiliakos, Esq.